

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. BCI 1450 Alexandria, Vignia 22313-1450 www.upto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/743,938	03/28/2001	Raif Fuchs	20981.010	2209
75	90 07/01/2003			
Dalbert U Shefte			EXAMINER	
Kennedy Covington Lobdell & Hickman Bank of America Corporate Center			LAMB, BRENDA A	
100 North Tryon Street Suite 4200 Charlotte, NC 28202-4006			ART UNIT	PAPER NUMBER
Charlone, INC	20202-4000	•	1734	16

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant(s) Appli
	<u> </u>
The MAILING DATE of this communication appears on	the cover sheet beneath the correspondence address—
Peri d for Response	~
A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO MAILING DATE OF THIS COMMUNICATION.	EXPIRE MONTH(S) FROM THE
from the mailing date of this communication.	•
Status Responsive to communication(s) filed on 1124 03 c	nd 3/12/03
 ☑ This action is FINAL. ☐ Since this application is in condition for allowance except for for accordance with the practice under Ex parte Quayle, 1935 C.D. 	
Disposition of Claims	
√ Claim(s) 1 - 8	is/are pending in the application.
Of the above claim(s)	is/are withdrawn from consideration.
□ Claim(s)	is/are allowed.
√ Claim(s) 1 - 8	
☐ Claim(s)	
• •	•
□ Claim(s)	are subject to restriction or election
☐ Claim(s)	are subject to restriction or election requirement.
Application Papers	requirement.
Application Papers ☐ See the attached Notice of Draftsperson's Patent Drawing Revi	requirement. ew, PTO-948.
Application Papers	requirement. ew, PTO-948. is □ approved □ disapproved.
Application Papers ☐ See the attached Notice of Draftsperson's Patent Drawing Revi ☐ The proposed drawing correction, filed on	requirement. ew, PTO-948. is □ approved □ disapproved.
Application Papers See the attached Notice of Draftsperson's Patent Drawing Revi The proposed drawing correction, filed on is/are objected to	requirement. ew, PTO-948. is □ approved □ disapproved.
Application Papers See the attached Notice of Draftsperson's Patent Drawing Revi The proposed drawing correction, filed on is/are objected to The drawing(s) filed on is/are objected to The specification is objected to by the Examiner.	requirement. ew, PTO-948. is □ approved □ disapproved.
Application Papers ☐ See the attached Notice of Draftsperson's Patent Drawing Revi ☐ The proposed drawing correction, filed on is/are objected to ☐ The drawing(s) filed on is/are objected to ☐ The specification is objected to by the Examiner. ☐ The oath or declaration is objected to by the Examiner.	requirement. ew, PTO-948. is approved disapproved. by the Examiner. 5 U.S.C. § 11 9(a)-(d). ority documents have been
Application Papers See the attached Notice of Draftsperson's Patent Drawing Revious The proposed drawing correction, filed on	requirement. ew, PTO-948. is approved disapproved. by the Examiner. 5 U.S.C. § 11 9(a)-(d). ority documents have been nal Bureau (PCT Rule 1 7.2(a)).
Application Papers ☐ See the attached Notice of Draftsperson's Patent Drawing Revi ☐ The proposed drawing correction, filed on	requirement. ew, PTO-948. is approved disapproved. by the Examiner. 5 U.S.C. § 11 9(a)-(d). ority documents have been nal Bureau (PCT Rule 1 7.2(a)).
Application Papers See the attached Notice of Draftsperson's Patent Drawing Revi The proposed drawing correction, filed on	requirement. ew, PTO-948. is approved disapproved. by the Examiner. 5 U.S.C. § 11 9(a)-(d). ority documents have been nal Bureau (PCT Rule 1 7.2(a)).
Application Papers See the attached Notice of Draftsperson's Patent Drawing Revious The proposed drawing correction, filed on	requirement. ew, PTO-948. is approved disapproved. by the Examiner. 5 U.S.C. § 11 9(a)-(d). ority documents have been nal Bureau (PCT Rule 1 7.2(a)).

Application/Control Number: 09/743,938

Art Unit: 1734

Claims 5 and 7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 5 depends on itself. Claim 7 depends on itself.

Claims 5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is confusing since it is unclear whether applicant intended claim 8 to depend on claim 7 and not on claim 6 since claim 7 sets forth what a free segment encompasses or if not applicant needs to clarify what a free segment encompasses.

Claim 5 is confusing since it is unclear whether applicant intended claim 5 to depend on claim 4 since claim 4 sets forth what a free segment encompasses or if not applicant needs to clarify what a free segment encompasses.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

Art Unit: 1734

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over German 4237962 in view of Bisang et al.

German '962 teaches the design of a sizing apparatus for sizing a warp yarn sheet which is comprised of the following elements: a sizing compartment for contacting the warp yarn sheet with size; a squeezer/mangle for squeezing the sized warp yarn sheet; means for pre-wetting the sized warp yarn sheet with water; and means for squeezing the pre-wetted warp yarn sheet. German '962 fails to teach the combination of pre-wetting means and wetting agent squeezer which claimed by applicant as a draw-in unit is comprised of 3 rollers and the three rollers forming in the conveying direction of the yarn sheet a first squeezing gap and a second squeezing gap. However, it would have been obvious to modify the German '962 apparatus by substituting its wetting and squeezing/sizing roller unit with another wetting/dipping and squeezing/sizing roller such as taught by Bisang et al for the obvious advantages of the Bisang et al unit - compactness. With respect to claim 2, Bisang et al shows in Figure a first wetting agent supply in a nip above the first squeezing gap between first and second rollers and a second wetting agent supply through which the second roller rotates and dips the yarn sheet. With respect to claims 3 and 6, Bisang et al shows the second and third roller are arranged in the nanner set forth in the instant claims. With



Application/Control Number: 09/743,938

Art Unit: 1734

respect to claims 4 and 7, German '962 shows the yarn sheet is conveyed unsupported between the first roller of the sizing compartment and the third roller of the draw-in unit.

Applicant's arguments filed 1/24/03 and 3/12/03 have been fully considered but they are not persuasive.

Applicant's argument that Bisang et al and DE '962 each fails to teach a draw-in unit that multi-functionally serves as a tensioning unit, a pre-wetting means, and as a wetting agent squeezer is found to be non-persuasive since it is not commensurate in the scope with claim limitations with claims failing to positively set forth a draw-in unit tensions the yarn sheet. Rolls 10, 11 in Bisang et al are driven and therefore provides for driving/drawing the yarn sheet into the liquid trough/wetting agent supply thereby reading on a draw-in unit.

Applicant's argument that Bisang et al and DE '962 fails to mention or show a squeezer utilizing three rollers is found to be non-persuasive since the claims are open with the tern "comprising" to more than three rollers such as the Bisang et al four roll squeezing unit.

Note applicant in responding to the final office action, applicant needs to amend the specification to give a brief description of the drawings (see MPEP 608.01(f)).

Claims 5 and 8 would be allowable if rewritten to overcome the rejection (s) under 35 U.S.C. 112 set forth in this office action and to include all of the limitations of the base claim and any intervening claims.

Note the examiner in allowing claim 8 has assumed that applicant intended that claim 8 depend on claim 7 not on claim 6 since claim 7 sets forth what a free segment

Application/Control Number: 09/743,938

free segment encompasses.

Art Unit: 1734

encompasses. Note the examiner in allowing claim 5 has assumed that applicant intended that claim 5 depend on claim 4 and not itself since claim 5 sets forth what a

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.

B. A. Lamb/mn June 3, 2003 Dunt adell Lanis
BRENDA A. LAWB
PRIMARY EXAMINER

Page 5